

**OPINION
45-13**

October 15, 1945 (OPINION)

ANIMALS

RE: Predatory - Traps

This will acknowledge the receipt of your letter of October 10, 1945, in which you request the opinion of this office as to what constitutes "an approved county highway" under the provisions of section 2 of chapter 2 of the 1944 Special Session Laws. (Senate Bill No.2).

In view of the fact that traps or devices mentioned in said section may not legally be set less than one hundred feet from the highway specifically described therein, it is my opinion that such limitation applies only to the traps or devices set at least one hundred feet from a federal, state, or county highway. If the legislature had intended that such traps or devices should be set a certain distance from all public highways, township roads would also have been included, or the Act would have merely mentioned the words "public highways."

Any public highway for which a county has assumed responsibility for construction and/or maintenance is a county road. Such roads are built and maintained under and by virtue of chapter 24-05 of the revised Code of 1943. We suggest that information as to the location of county roads be obtained from the county auditor of any county in which your trappers are about to operate.

NELS G. JOHNSON

Attorney General